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Calendar No. 594

101ST CONGRESS *2d Session*	SENATE	REPORT 101-322

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "LADY ROSE ANNE"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 2404

JUNE 8 (legislative day, APRIL 18), 1990.—Ordered to be printed

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REPORT
101-322

CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "LADY ROSE ANNE"

JUNE 8, (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2404]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2404) to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the *Lady Rose Anne,* having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE OF THE LEGISLATION

S. 2404, as reported, grants coastwise trading and fishery privileges to the vessel *Lady Rose Anne.*

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the law known as the Jones Act, section 27 of the Merchant Marine Act of 1920 (46 App. U.S.C. 883 and 883-1), together with the vessel documentation requirements, sections 12106 through 12108 of title 46, U.S. Code, provides that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade, or engage in the fisheries, of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document granting coastwise trading

or fishery privileges for that vessel unless the requirements of the Jones Act and title 46 are statutorily waived.

The *Lady Rose Anne,* U.S. official number 603040, is a 34-foot Uniflight Sportfish vessel built by Uniflight, Inc. in Swansboro, NC, in 1976. The vessel was initially sold to an illegal alien, Mr. Carlos M. Delacruz, of Cuba. The Coast Guard placed a restriction on the vessel from use in the coastwise trade. The current owner, Captain Pasquale C. Caprio, of Key Largo, FL, purchased the vessel on November 1, 1989. He intends to use the vessel as a charter fishing and dive boat in the Key Largo area.

The owner is seeking a waiver of the Jones Act and title 46 because the vessel has not been under continuous ownership of a U.S. citizen. This criterion must be met before the Coast Guard can issue a certificate of documentation of the vessel.

Legislative History

S. 2404 was introduced on April 3, 1990, by Senator Mack (for himself and Senator Graham). In open executive session on May 22, 1990, the Committee considered S. 2404, and ordered the legislation reported with an amendment in the nature of a substitute without objection.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

May 25, 1990.

Hon. Ernest F. Hollings,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 2404, a bill to permit issuance of a certificate of documentation for employment in the coastwise trade of the United States for the vessel the *Lady Rose Anne.* The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on May 22, 1990. Enactment of S. 2404 would not result in any cost to the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

Robert D. Reischauer,
Director.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 2404 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no

further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

Section-by-Section Analysis

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, U.S. Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883 and 883–1), as applicable on the date of enactment of the bill, the vessel *Lady Rose Anne,* U.S. official number 603040, is eligible to engage in the coastwise trade and the fisheries of the United States and the Secretary of Transportation may issue a certificate of documentation for such vessel.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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